

LC letter

10/23/00

9/25/02

AA 498-00  
VAR

Severn River Ltd, Ptshp  
0232

MSA-S-1829-824

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

September 25, 2002

Ms. Ramona Plociennik  
Anne Arundel Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case Nos. 2002-0383-V and 2002-0384-V, Severn River Limited Partnership

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance request. The applicant is requesting two variances to permit an extension in time for the implementation and completion of two previously approved variances. The properties are designated LDA and are currently undeveloped.

Commission staff has reviewed the information provided, including the updated (November 2000) Critical Area report. Provided that there have been no changes to the previously approved plans and provided that all conditions of the previous extension in time approval are met, this office has no comment on the extension of time request. However, if the applicant is proposing any changes to the size, design and location of the proposed dwellings, we recommend that the County require the applicant to re-apply for all necessary variances.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA498-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:  
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





**BOUNDARY DATA**

NO.	DIST.	BEARING	NO.	DIST.	BEARING
1	257.86	N 0° 25' 43" W	10	1.00	S 89° 30' 05" E
2	14.24	N 13° 40' 11" W	11	0.71	S 89° 30' 00" E
3	190.05	N 156° 22' 2" W	12	13.86	N 57° 00' 23" E
4	194.12	N 57° 02' 2" W	13	13.86	N 57° 00' 23" E
5	16.99	N 57° 02' 2" W	14	43.50	N 44° 0' 34" E
6	129.54	N 15° 12' 50" W	15	48.39	N 24° 41' 03" E
7	43.42	N 07° 06' 36" W	16	26.68	N 41° 11' 09" E
8	122.74	N 13° 11' 13" W	17	50.01	N 25° 25' 09" E
9	35.65	N 02° 08' 25" E	18	31.11	N 45° 00' 00" E
10	49.13	N 24° 01' 40" E	19	11.54	S 12° 11' 00" E
11	25.69	S 23° 27' 32" E	20	38.19	S 06° 03' 15" E
12	21.64	S 06° 37' 57" E	21	38.63	S 01° 10' 02" E
13	21.16	S 45° 21' 48" E	22	28.39	S 14° 53' 42" E
14	43.49	S 72° 36' 24" E	23	28.16	S 10° 18' 45" E
15	38.02	S 86° 14' 09" E	24	28.73	S 10° 39' 14" E
16	33.96	N 02° 02' 45" E	25	14.34	S 10° 46' 17" E
17	16.45	N 78° 33' 52" E	26	28.81	S 14° 55' 53" E
18	1.10	N 78° 33' 52" E	27	6.91	S 31° 10' 49" E
19	30.04	N 23° 00' 24" E	28	8.67	S 17° 01' 38" E
20	10.21	N 63° 01' 37" E	29	31.25	S 53° 23' 37" E
21	60.49	N 18° 11' 39" E	30	10.14	S 68° 14' 11" E
22	7.07	N 18° 23' 35" E			
23	120.53	N 07° 06' 36" E			
24	81.31	N 74° 14' 42" E			
25	37.00	N 67° 14' 10" E			

**TOTAL VARIANCE SITE DATA**

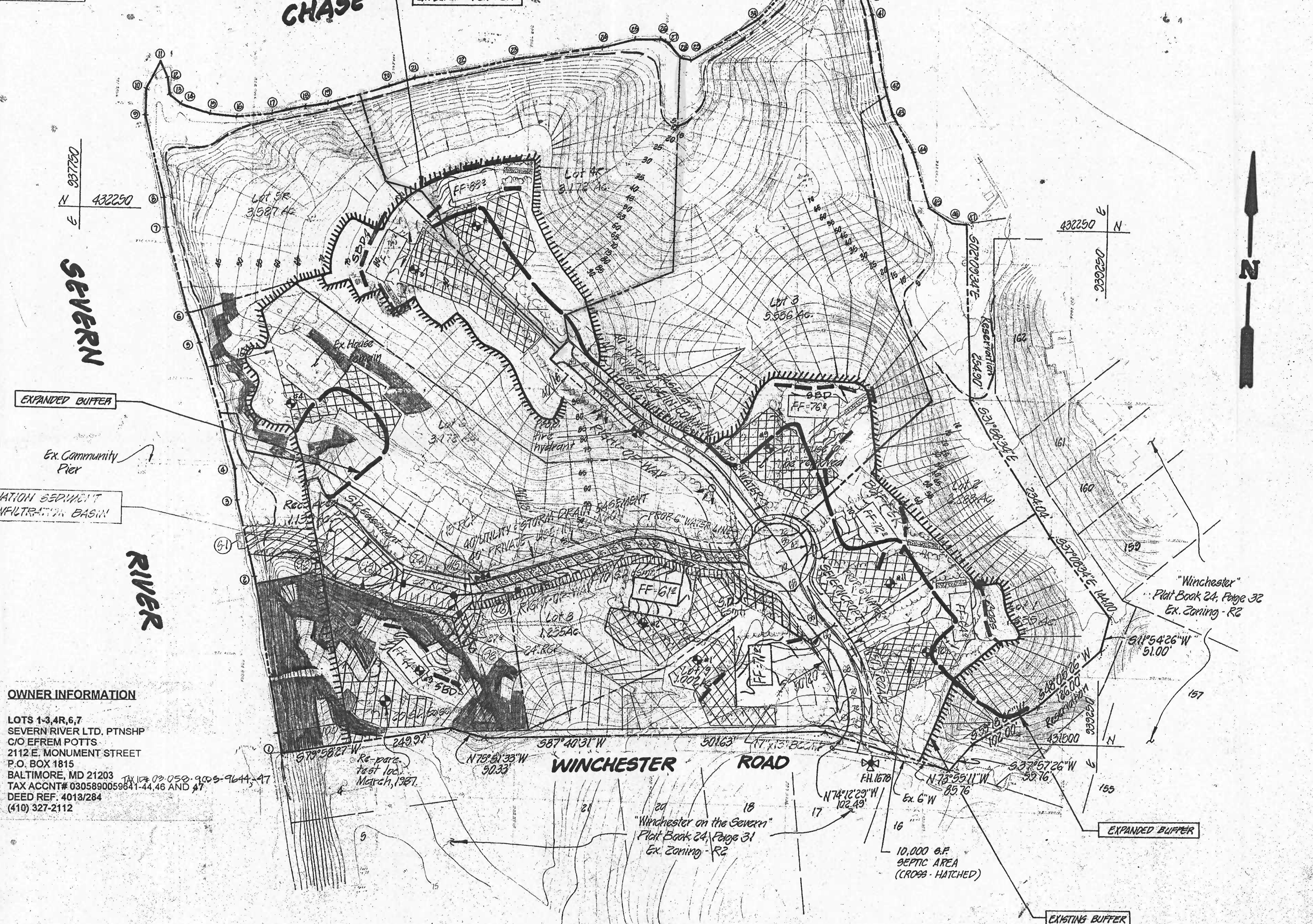
<b>TOTAL VARIANCE SITE AREA</b>		17.763 AC.
LOT 1	1.835 AC.	
LOT 2	2.288 AC.	
LOT 3	5.556 AC.	
LOT 4R	3.172 AC.	
LOT 6	3.172 AC.	
LOT 7	1.740 AC.	
<b>EXISTING CRITICAL AREA DESIGNATION</b>		LDA
<b>EXISTING ZONING</b>		R2

NOTE: LOTS 5R, 6 & 9 ARE EXISTING DEVELOPED LOTS.

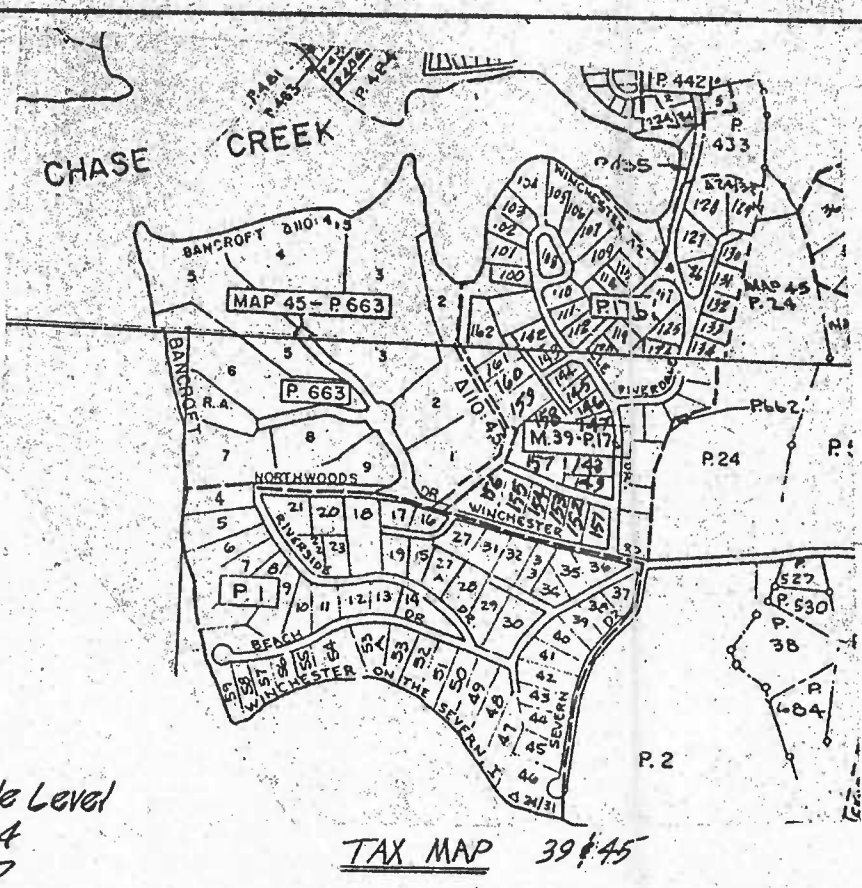
**OWNER INFORMATION**

LOTS 1-3, 4R, 6, 7  
SEVERN RIVER LTD. PTNSHP  
C/O EFRIM POTTS  
2112 E. MONUMENT STREET  
P.O. BOX 1815  
BALTIMORE, MD 21203  
TAX ACCT# 0305890059841-44, 46 AND 47  
DEED REF. 4013/284  
(410) 327-2112

ADJOINING OWNERS WITHIN 175 FEET				ADJOINING OWNERS WITHIN 175 FEET				ADJOINING OWNERS WITHIN 175 FEET			
T.M.	BLK.	P.	OWNER NAME/ADDRESS	TAX ACCOUNT NUMBER	DEED REF.	T.M.	BLK.	P.	OWNER NAME/ADDRESS	TAX ACCOUNT NUMBER	DEED REF.
29	23	14	John A. Bockel 1508 Circle Drive Annapolis, MD 21401	03 900 0419650	1665/390	45	6	663	Frederic D. Schell 1514 Severnwood Road Baltimore, MD 21203-1613	03 058 9005445	5718/163
45	5	1	Chesapeake, Charlotte et al 213 Winchester Court Annapolis, MD 21401	03 900 0906980	2556/254	45	6	663	Peter M. Julian 1504 Severnwood Road Annapolis, MD 21401	03 058 9005446	4294/374
45	5	1	O'Brien, Susan 1500 Winchester Road Annapolis, MD 21401	03 900 0577990	5932/241	45	5	1	Lee M. McInchell 1500 Severnwood Road Annapolis, MD 21401	03 058 9005949	6002/474
45	5	1	Munsey, Jack T. 1504 Winchester Road Annapolis, MD 21401	03 900 0619735	7315/298	45	6	663	Barbara L. Livingston 1514 Severnwood Road Annapolis, MD 21401	03 058 9005445	2856/306
45	5	1	Mont, James W. 213 Winchester Court Annapolis, MD 21401	03 900 1302960	4398/741	29	5	176	Patrick J. Donohue 1513 Winchester Road Annapolis, MD 21401	03 900 5003584	3474/452
45	5	1	William-Truette, Barry 1500 Winchester Road Annapolis, MD 21401	03 900 1374920	5896/873	29	5	176	Raymond P. Heath 1500 Winchester Road Annapolis, MD 21401	03 900 5003583	2350/512
45	5	1	Murphy, Robert A. 1500 Winchester Road Annapolis, MD 21401	03 900 1163390	4042/907	29	5	176	Theresa E. Peterson 1504 Circle Drive Annapolis, MD 21401	03 900 2322990	4907/204
45	5	1	McKinn, Colleen 220 Riverside Drive Annapolis, MD 21401	03 900 9003140	6241/822	29	5	176	James A. Lank 1514 Severnwood Road Annapolis, MD 21401	03 900 9004541	5594/375
45	5	1	Holmgren, Thomas J. 1500 Winchester Road Annapolis, MD 21401	03 900 1377300	4157/554	29	5	176	Jonathan J. Bartlett 1513 Winchester Road Annapolis, MD 21401	01 509 0483740	5513/773
45	5	1	Vanderburgh, Robert S. Vanderburgh, Barbara 1500 Winchester Road Annapolis, MD 21401	03 900 2855020	2760/602	29	5	176	James A. Lank 1514 Severnwood Road Annapolis, MD 21401	03 900 1754600	5773/312
45	5	1	Elbridge, John C. 221 Riverside Drive Annapolis, MD 21401	03 900 0906980	1598/542	29	5	176	Wayne C. King 1510 Circle Drive Annapolis, MD 21401	03 900 1464200	9106/7
45	5	1				29	5	176			



SCALE: 1" = 100'



**PERC TEST RESULTS**

Test No.	Lot No.	Type	Time	Results
1	5	Deep	3 Min.	No water at 17.5'
2	8	Deep	1 Min.	No water at 17.5'
3	7	Deep	1 Min.	No water at 18.0'
4	6	Deep	5 Min.	No water at 18.0'
5	---	Deep	2 Min.	No water at 18.0'
6	---	Deep	3 Min.	No water at 17.5'
7	5	Deep	2 Min.	No water at 18.0'
8	4	Deep	3 Min.	No water at 18.5'
9	3	Deep	15 Min.	No water at 17.0'
10	---	Deep	3 Min.	No water at 17.5'
11	2	Deep	7 Min.	No water at 18.0'
12	1	Deep	2 Min.	No water at 17.0'

LOT NO.	MAX. WOODS CLEARING ALLOWABLE (IN AC.)	TOTAL % OF WOODS TO BE CLEARED FROM SITE (MAX.)
LOT 1	0.08 AC.	TOTAL % OF WOODS TO BE CLEARED FROM SITE (MAX.) = 17%
LOT 2	0.00 AC.	
LOT 3	0.27 AC.	
LOT 4	0.58 AC.	
LOT 5	0.40 AC.	
LOT 6	0.00 AC.	
LOT 7	0.55 AC.	
LOT 8	0.23 AC.	
LOT 9	0.29 AC.	
ROADS AND STORM DRAINS	1.17 AC.	

**REVISED CRITICAL AREA INFORMATION**

LOT NO.	FOREST AREA CLEARING ALLOWED ON THIS LOT (AC.)	MAX. FOREST AREA CLEARING ALLOWED PER LOT (AC.)	IMPERVIOUS AREA SHOWN ON THIS PLAN	MAX. IMPERVIOUS AREA ALLOWED PER LOT (15%)
LOT 1	0.04 AC.	0.14 AC.	0.10 AC.	0.29 AC.
LOT 2	0.01 AC.	0.12 AC.	0.08 AC.	0.27 AC.
LOT 3	0.19 AC.	0.20 AC.	0.10 AC.	0.29 AC.
LOT 4	0.37 AC.	0.66 AC.	0.13 AC.	0.33 AC.
LOT 5	0.37 AC.	0.70 AC.	0.12 AC.	0.32 AC.
LOT 6	0.05 AC.	0.16 AC.	0.20 AC.	0.19 AC.
LOT 7	0.26 AC.	0.44 AC.	0.08 AC.	0.27 AC.
LOT 8	0.20 AC.	0.34 AC.	0.06 AC.	0.26 AC.
LOT 9	0.18 AC.	0.38 AC.	0.07 AC.	0.26 AC.
REG. AREA	0.42 AC.	0.63 AC.	0.03 AC.	0.28 AC.
ROADS	0.71 AC.	0.75 AC.	0.63 AC.	0.63 AC.
		4.52 AC.		3.39 AC.

TOTAL WOODLAND = 22.59 AC.  
TOTAL WOODLAND ALLOWED TO BE CLEARED (20%) = 4.52 AC.

**LEGEND**

- Prop. House
- Prop. Well
- Prop. Pond
- Prop. Test Location
- Limit of clearing on critical area
- EXISTING BUFFER PER LOT (CRITICAL AREA D.A.C.)
- EXPANDED BUFFER
- Slopes greater than 15%
- Slopes greater than 35% (shown only on Lot 6 and Lot 7)
- Stream Bank Drive
- Point of Discharge
- Prop. Infiltration System

**RECEIVED**  
SEP 19 2002  
CHESAPEAKE BAY CRITICAL AREA COMMISSION

**RWJ**  
ronald w. johnson-assoc. inc.  
consulting engineers . planners  
111 chinquapin round road  
annapolis, maryland  
301-269-1315 21401

**VARIANCE SITE PLAN**

DRAWN BY JGL SCALE: 1" = 100'  
CHECKED BY RWJ SHEET NO. 1 OF 4  
DATE JULY, 1995  
PROJECT NO. RJA 95-159  
3rd Tax District  
Scale: 1" = 100'  
Subd. No. 06-04

**BANCROFT**  
LOTS 1, 2, 3, 4R, 6, 7  
PLAT BOOK 10, PAGE 4, 5  
JULY 1995

REV. CRITICAL AREA INFORMATION  
NO. REVISION DATE BY





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

October 23, 2000

Mr. Kevin Dooley  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variances 2000-0232-V, 0236-V, and 0237-V, Severn River Ltd. Partnership

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting variances to permit extensions in the time required for the implementation and completion of a previously approved variance. The properties are designated LDA and are currently undeveloped.

Provided that significant changes have not been made to the proposed plans and provided that all conditions of the previous approval are met, this office has no comment on the extension of time request. Given the time that has passed since the plans were drawn and the environmental report prepared, we recommend that updated information be provided if warranted.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA498-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBERS 2000-0232-V, 2000-0236-V AND 2000-0237-V

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IN RE: SEVERN RIVER LIMITED PARTNERSHIP

THIRD ASSESSMENT DISTRICT

DATE HEARD: OCTOBER 31, 2000

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ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: SUZANNE DIFFENDERFER

---

DATE FILED: NOVEMBER 3, 2000

RECEIVED

NOV 8 2000

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

## **PLEADINGS**

In these companion cases, Severn River Limited Partnership, the applicant, seeks variances to permit an extension in the time required for the implementation and completion of previously approved variances for three properties. The properties the subject of Cases No. 2000-0232-V and 2000-0236-V are located on the north side of a private right-of-way, north of Severncroft Road. The property the subject of Case No. 2000-0237-V is located on the southwest side of a private right-of-way, west of Severncroft Road.<sup>1</sup>

## **PUBLIC NOTIFICATION**

The cases were advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the applications as owning land that is located within 175' of the properties was notified by mail, sent to the address furnished with the applications. The applicant submitted the affidavits of Stephen R. Johnson, indicating that the properties were posted on October 13, 2000. I find and conclude that the requirements of public notice have been satisfied.

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<sup>1</sup>Gregory Fasick et al filed a fourth application (Case No. 2000-0356-V) to permit a dwelling, swimming pool and associated facilities with less setbacks and buffer than allowed on the same property the subject of Case No. 2000-0237-V. Following an initial review by the public agencies, Mr. Fasick revised his application. At the October 31, 2000 hearing, he requested a continuance in order to minimize the request and to allow additional review by the public agencies. The matter was continued on the record until December 14, 2000.

## **FINDINGS AND CONCLUSIONS**

The applicant owns three lots in the Bancroft subdivision, Annapolis. The property addresses are 1525 Severncroft Road (Case No. 2000-0232-V, Lot 4R, comprising 3.11 acres); 1516 Severncroft Road (Case No. 2000-0236-V, Lot 6, 3.172 acres); and 1508 Severncroft Road (Case No. 2000-0237-V, Lot 7, 1.74 acres). The zoning is R-2 residential. The lots are all waterfront properties in the Critical Area with a designation as Limited Development Area (LDA). In Case Nos. 1995-0435-V through 1995-0440-V, this office conditionally approved variances for these lots (and three others) to permit development on steep slopes and with less setbacks and buffer than permitted. More recently, this office approved a three-year time extension. The second approval extended the time to obtain permits until August 8, 2000 and the time to complete construction until August 8, 2001. See, Case No. 1997-0229-V. The applicant now requests an additional two years to obtain the permits and complete construction. The current request was filed prior to the expiration of the Order in Case No. 1997-0229-V.

Suzanne Diffenderfer, a zoning analyst with the Office of Planning and Zoning, testified that the underlying relief is still justified.

The applicant proffered that the lots were subdivided on December 30, 1987 under the interim Critical Area program. By the time of the first case, three lots were developed and six others were impacted by the expanded buffer provisions of the final program. By the time of the second case, three more lots were developed. As of today, Lots 4R and 6 are under contract. Lot 7 will be the

subject of Case No. 2000-0356-V. The applicant exhibited a reasonable degree of certainty that the requested extension will be the last one.

In the circumstances, I will again afford relief from the zoning code. Just as in 1997, the extension appears to represent the minimum variance. The approval of the variance does not change the nature of the neighborhood, impair the adjacent property, or cause a detriment to the public welfare. The approval incorporates the same conditions as in the previously granted variances.<sup>2</sup>

### **ORDER**

PURSUANT to the application of Severn River Limited Partnership, petitioning for variances to permit an extension in the time required for the implementation and completion of previously approved variances; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 3<sup>rd</sup> day of November, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request for a two-year extension to obtain building permits (until August 8, 2002) and to complete construction (until August 8, 2003) is **granted**. The foregoing is subject to the following conditions:

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<sup>2</sup>Given the passage of time, and as suggested by the Chesapeake Bay Critical Area Commission, I have added a new condition requiring the applicant to revise the environmental report as required by the Permit Application Center.



1. This subdivision is limited to a density of nine (9) lots.
2. The applicant shall submit a storm water and erosion control plan to be approved by the appropriate permit officials of Anne Arundel County.

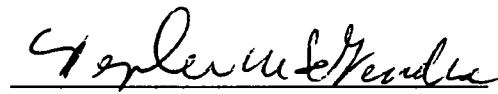
Because of the sensitive nature of this property, extreme care and caution shall be taken during the construction process so as to minimize or eliminate erosion and siltation of the adjoining tidal waters. The property shall be inspected at least once a day by grading and sediment control officials.

Questions and complaints regarding the adequacy of storm water management control devices may be directed to the Anne Arundel County Department of Planning and Code Enforcement (PACE), Environmental Hotline (410) 222-7777.

3. All remaining portions of each lot located within the Critical Area shoreline buffer, and all remaining steep slopes in the habitat area (buffer area) as shown on the original plats of the Bancroft subdivision as also shown on the site plans submitted in this variance application not devoted to and approved for the site of a principal dwelling and approved accessory structures, including a pier and access thereto, shall be placed in a conservation easement benefitting and enforceable by Anne Arundel County, Maryland, or a nonprofit Trust established by or for or in conjunction with The Severn River Association, Inc. In the event that neither the County nor the aforesaid Trust will accept such responsibility, then any nonprofit entity established for environmental preservation purposes may be utilized. Anything to the

contrary notwithstanding, the conservation easement shall be subject to and may be modified by: (a) regulatory approval of a Buffer Management Plan and/or Forest Conservation Plan; (b) subsequent permits approved for piers and access thereto.

4. The applicant shall revise the environmental report as requested by the Permit Application Center (PAC).



Stephen M. LeGendre  
Administrative Hearing Officer

#### **NOTICE TO APPLICANT**

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.



*East of*  
**RECEIVED**

*498-00*

NOV 26 2002

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBERS 2002-0383-V AND 2002-0384-V

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IN RE: SEVERN RIVER LIMITED PARTNERSHIP

THIRD ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 19, 2002

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ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: PATRICIA A. MILEY

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DATE FILED: NOVEMBER *22*, 2002

## **PLEADINGS**

Severn River Limited Partnership, the applicant, seeks variances (2002-0383-V and 2002-0384-V) to permit extensions in the time required for the implementation and completion of previously approved variances on two properties located along the north side of an unnamed right-of-way, north of Severncroft Road, Annapolis.

## **PUBLIC NOTIFICATION**

The cases were advertised in accordance with the County Code. The file contains the certifications of mailing to community associations and interested persons. Each person designated in the applications as owning land that is located within 175' of the property was notified by mail, sent to the address furnished with the applications. The applicants submitted the affidavits of Steven R. Johnson indicating that the properties were posted on October 31, 2002. I find and conclude that the requirements of public notice have been satisfied.

## **FINDINGS AND CONCLUSIONS**

These cases concern the same properties the subject of decisions by this office in Case No. 2000-0232-V and 2000-0236-V (November 3, 2000). The prior Order granted variances extending the time to obtain building permits until August 8, 2002 and to complete construction until August 8, 2003. There were



several conditions attached to the Order.

Anne Arundel County Code, Article 28, Section 11-102.2(a) provides that a variance is void unless a building permit is obtained within one year of the date of the approval and construction is completed within two years. The applicant has timely filed for additional extensions. For Case No. 2002-0383-V – which corresponds to Lot 4R of the Bancroft subdivision – the request is an additional year for each deadline. For Case No. 2002-0384-V – which corresponds to Lot 6 of the Bancroft subdivision - the request is until August 8, 2005 to obtain the permit and until August 8, 2006 to complete construction.

Patricia A. Miley, a zoning analyst with the Office of Planning and Zoning, offered support for the applications in accordance with the findings and conclusion of the prior Order.

The applicant proffered the testimony of Ron Johnson, its engineering consultant. The record reflected that the building permit issued for Lot 4R; however, it may be subject to revisions related to compliance with environmental and architectural covenants. Lot 6, which is the site of the original family home for the Potts family, is pending the applicant's decision whether to rehabilitate the older structure or sell the property.<sup>1</sup> There was no other testimony in the matter.

Based on this record and the record in the prior cases, the relief shall be

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<sup>1</sup>Efrem Potts is the applicant's general partner.

granted. The extensions appear to represent the minimum relief; the request does not alter the character of the neighborhood, impair the use or development of adjacent property, or cause a detriment to the public welfare. The approval is subject to the same conditions in the previously granted variances.

### **ORDER**

PURSUANT to the application of Sever River Limited Partnership, petitioning for variances to permit extensions in the time required for the implementation and completion of previously approved variances ; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 22 day of November, 2002,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County that the applicant is hereby **granted** the following variances:

1. For Case No. 2002-0383-V, an extension until August 8, 2003 to obtain the building permit and until August 8, 2004 to complete construction.
2. For Case No. 2002-0384-V, an extension until August 8, 2005 to obtain the building permit and until August 8, 2006 to complete construction.

The foregoing variances are subject to the following conditions:

- A. This subdivision is limited to a density of nine (9) lots.



- B. The applicant shall submit a storm water and erosion control plan to be approved by the appropriate permit officials of Anne Arundel County.

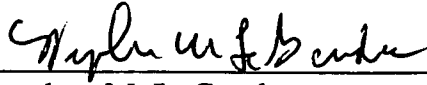
Because of the sensitive nature of this property, extreme care and caution shall be taken during the construction process so as to minimize or eliminate erosion and siltation of the adjoining tidal waters. The property shall be inspected at least once a day by grading and sediment control officials.

Questions and complaints regarding the adequacy of storm water management control devices may be directed to the Anne Arundel County Department of Planning and Code Enforcement (PACE), Environmental Hotline (410) 222-7777.

- C. All remaining portions of each lot located within the Critical Area shoreline buffer, and all remaining steep slopes in the habitat area (buffer area) as shown on the original plats of the Bancroft subdivision as also shown on the site plans submitted in this variance application not devoted to and approved for the site of a principal dwelling and approved accessory structures, including a pier and access thereto, shall be placed in a conservation easement benefitting and enforceable by Anne Arundel County, Maryland, or a nonprofit Trust established by or for or in conjunction with The Severn River Association, Inc. In the event that neither the County nor the aforesaid Trust will accept such responsibility, then any nonprofit entity established for environmental preservation purposes may be utilized. Anything to the

contrary notwithstanding, the conservation easement shall be subject to and may be modified by: (a) regulatory approval of a Buffer Management Plan and/or Forest Conservation Plan; (b) subsequent permits approved for piers and access thereto.

- D. The applicant shall revise the environmental report as requested by the Permit Application Center (PAC).

  
\_\_\_\_\_  
Stephen M. LeGendre  
Administrative Hearing Officer

#### **NOTICE TO APPLICANT**

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.